

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**CAREY D. EBERT**

**Plaintiff,**

**v.**

**MICHAEL GUSTIN, et al.,**

**Defendants**

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**Civil Action No.: 4:15-cv-225-O**

**DEFENDANTS HOWARD M. APPEL AND  
ERNEST BARTLETT'S DESIGNATION OF EXPERT WITNESS**

Come Defendants Howard M. Appel and Ernest Bartlett (herein referred to as "Defendants"), by and through their undersigned counsel and for their Designation of Expert Witness states:

1. Pursuant to the Federal Rules of Civil Procedure and the orders of the Court, separate Defendants Howard M. Appel and Ernest Bartlett designate the following person who may be called as an expert witness to give testimony in the form of opinions within the scope of their expertise:

Gregg A. Jarrell, Ph.D, MBA  
Forensic Economics, Inc.  
95 Allens Creek Rd.  
Building 2, Suite 303  
Rochester, NY 14618

Mr. Jarrell's Expert Report, containing inter alia his opinions and conclusions, the facts and data he considered, his qualifications, as well as his fee schedule and testimony list pursuant to Federal Rule of Civil Procedure 26(a)(2)(A)-(B), was provided to all counsel of record for all parties in the above captioned matter on January 30, 2017.

2. Defendants reserve the right to supplement this designation with additional designations of expert witnesses pursuant to the Federal Rules of Civil Procedure, the parties' agreements, Federal law, the Court's order, and any other rulings.

3. Without conceding their expertise or qualifications to testify at this time, Defendants reserve the right to designate and elicit opinion testimony from experts designated by other parties to this litigation, including, without limitation, any experts designated by Carey D. Ebert ("Trustee") or any other defendants in this lawsuit.

4. Defendants reserve the right to call undesignated rebuttal expert witnesses, whose testimony cannot be reasonably foreseen until the presentation of evidence against Defendants.

5. Defendants reserve the right to elicit any expert opinion or lay testimony at the time of trial which would be of benefit to the Court and jury to determine the material issues of fact and which would not be violative of any existing court order or the Federal Rules of Civil Procedure.

6. Without conceding their expertise or qualifications to testify at this time, Defendants hereby designates all other parties, and/or all witnesses called or associated with all other parties, and all experts designated by any party to this suit, even if the designated party is not a party to this suit at the time of trial. In the event a present or future party designates any expert but then is dismissed for any reason from the suit or fails to call any designated expert, Defendants reserve the right to designate and/or call any such party or any such experts previously designated by any party.

7. Defendants reserve whatever additional rights it may have with regards to experts pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law construing the same, and the rulings of the Court.

Respectfully submitted,

By: /s/ Mark B. French  
Mark B. French

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(Admission *Pro Hac Vice*)

Counsel for Howard Appel, Ernest A.  
Bartlett, III, RMS Advisors, Inc., Capital  
Growth Realty, Inc., Capital Growth  
Investment Trust, DIT Equity Holdings,  
FEQ Realty, LLC, TSS Investment, Inc.,  
Michael Garnick, Discretionary Investment  
Trust, KWL Exploration and Development,  
Inc., Moggle Investors, LLC, Wiltomo  
Redemption Foundation and SST Advisors

**CERTIFICATE OF SERVICE**

I, Kenneth R. Shemin, do hereby certify that a copy of the foregoing was served on all counsel of record herein via electronic mail on this 1<sup>st</sup> day of February, 2017.

/s/ Mark B. French  
Mark B. French